UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

THIRD COMMITTEE
40th meeting
held on
Monday, 16 November 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. KRENKEL (Austria)

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Distr. GENERAL
A/C.3/47/SR.40
7 December 1992
ENGLISH
ORIGINAL: FRENCH

92-57797 64536 (E)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (A/47/40, A/47/41, A/47/44, A/47/427, A/47/428, A/47/429, A/47/518, A/47/628, A/47/632, A/47/662)

Introductory statement

1. Mr. HOUSHMAND (Director, Implementation of International Instruments and Procedures Branch, Centre for Human Rights) said that currently 164 States were parties to one or more of the seven human rights instruments. The Third Committee would consider a number of important questions relating to the implementation of those instruments, including the question of full regular budget funding for the human rights treaty bodies. In its resolution 46/111, the General Assembly had invited the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to consider, as a matter of priority, all possible measures for meeting the costs of implementing those treaties on a viable, guaranteed basis, including the adoption of amendments to the funding provisions of those treaties. Such amendments were subsequently adopted by the States parties to the two treaties, but would have to be approved by the General Assembly before they could enter into force. Detailed background information on the question was provided in the report of the Secretary-General on the implications of full funding for the operation of all human rights treaty bodies (A/47/518).

2. The Third Committee also had before it the report of the fourth meeting of persons chairing the human rights treaty bodies (A/47/628), which had taken place pursuant to General Assembly resolution 46/111 and Commission on Human Rights resolution 1992/15. In view of the significant increase since 1990 in the number of States parties to the human rights treaties, the Third Committee would also have to consider the question of adequate staffing resources for the operation of the treaty bodies. Lastly, the Manual on Human Rights Reporting, which had already been published in English and Chinese, was currently being translated into Arabic, French, Russian and Spanish, and was expected to be published in those languages during the first half of 1993.

3. The Third Committee had before it the report of the Secretary-General on the status of the Convention on the Rights of the Child (A/47/428), submitted pursuant to General Assembly resolution 46/112, as well as the report of the Committee on the Rights of the Child (A/47/41). Since the entry into force of the Convention on 2 September 1990, 126 States had ratified or acceded to it and another 27 had signed it. At its first session, held in Geneva from 30 September to 18 October 1992, the Committee on the Rights of the Child had devoted its attention mainly to organizational matters and ways in which it could ensure effective cooperation with the specialized agencies and other competent United Nations bodies as well as with the United Nations Children's

Fund. The Committee had expressed particular concern about the size of its prospective workload and recommended that as from 1993 at least two regular sessions of the Committee be scheduled annually and that a pre-sessional working group be established to meet approximately two months in advance of each session to conduct a preliminary review of reports and to consider questions relating to technical assistance and international cooperation. The Committee had also requested that a one-week meeting of a working group of the whole be scheduled before the end of 1992 to prepare for the consideration of the first round of reports. It might be recalled that the General Assembly, in its resolution 46/112, had approved the organization of the future work of the Committee on that basis. Other recommendations adopted by the Committee had included the matter of its sources of information; its relations with other United Nations organs and treaty bodies; the dissemination of information on the Convention and on the work of the Committee, and recommendations to the Preparatory Committee of the World Conference on Human Rights.

4. At its second session, held in Geneva from 28 September to 9 October 1992, the Committee had continued to discuss matters relating to its methods of work. It had referred to the first informal consultation it had held for the Latin American and Caribbean region in Quito, Ecuador in June 1992 and expressed the hope that similar informal meetings would be organized in the future in other regions of the world. In addition, the Committee had discussed its participation in the preparatory activities for the World Conference on Human Rights and its contribution to the fourth meeting of persons chairing of the human rights treaty bodies. Pursuant to General Assembly resolution 46/112, the Secretary-General had convened a brief meeting of the States parties to the Convention to determine the duration of the meetings of the Committee and the organization of the Committee's future sessions. At that meeting, held in New York, on 11 November 1992, the States parties had approved the organization of the future work of the Committee on the basis of two sessions per year, each of two or three weeks' duration, and the establishment of a pre-sessional working group prior to each session. In accordance with the provisions of article 43, paragraph 10, of the Convention, that decision, which had been made available to the Third Committee in document A/47/667, was before the General Assembly for approval at the current session.

5. It would be noted in the report of the Human Rights Committee (A/47/40) that the Committee had considered a total of 13 reports submitted to it by States parties under article 40 of the Covenant at its forty-third to forty-fifth sessions. Additionally, the Committee had adopted final views on 19 cases under the Optional Protocol and completed the consideration of another 31 cases by declaring them inadmissible. The Committee had also decided that it would adopt concluding comments on State reports that reflected the views of the Committee as a whole. Such comments contained recommendations concerning legislative steps Governments could take to implement the provisions of the Covenant more effectively.

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6. The Committee had updated its general comments on article 7, concerning torture or other cruel, inhuman or degrading treatment, as well as article 10, dealing with deprivation of liberty. It had also decided to update its general comments relating to freedom of thought, conscience and religion and with regard to the right to political participation. In addition, at its forty-fifth session the Committee had decided to start preparatory work on a general comment that would address issues relating to reservations to the Covenant and the Optional Protocol.

7. The Third Committee also had before it the report of the Committee on Economic, Social and Cultural Rights (E/1992/23). During its sixth session, the Committee had examined 10 reports submitted by eight States parties, bringing the total number of reports so far examined by the Committee to 66. In view of the long-standing backlog of States parties' reports still awaiting consideration, the Economic and Social Council had authorized the holding of an extraordinary additional session of the Committee in the first half of 1993. Deeply concerned by the fact that many States parties had not fulfilled their reporting obligations under the Covenant, the Committee had decided to establish a new procedure regarding initial reports which were 10 or more years overdue and periodic reports which were five or more years overdue.

8. The Committee had asked one of its members to prepare draft general observations on how the economic, social and cultural rights of the elderly could best be promoted for the Committee's consideration at a future session. The Committee had discussed how economic and social indicators might be used in evaluating the realization of economic, social and cultural rights, as well as the desirability of elaborating a possible optional protocol to the Covenant that would establish a procedure for the consideration of complaints.

9. The Third Committee also had before it the fifth annual report of the Committee against Torture (A/47/44). As at 31 October 1992, 69 States had ratified, acceded or succeeded to the Convention. Fifteen other States had signed but not yet ratified it. Twenty-eight States parties to the Convention had made the declarations provided for under articles 21 and 22 of the Convention and one State party had made the declaration provided for in article 21 only, bringing the total of declarations under that article to 29. During its seventh and eighth sessions in Geneva, the Committee against Torture had considered reports submitted by 11 States parties in accordance with article 19 of the Convention and discussed various other matters such as strengthening cooperation and the coordination of its activities with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, the question of a draft optional protocol to the Convention and its participation in the preparatory activities relating to the World Conference on Human Rights. The Committee had also continued its work under article 20 of the Convention and concluded consideration of two communications under article 22 of the Convention.

10. Lastly, he noted that since the accession of Zimbabwe and Estonia in 1991 and that of Lithuania in 1992 to the Convention on the Prevention and

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Punishment of the Crime of Genocide, the total number of States parties to that instrument came to 106, as was indicated in the Secretary-General's report (A/47/427). With regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Secretary-General's report (A/47/429) noted that there were only two signatories to that instrument and that no ratification or accession had as yet been received.

11. The CHAIRMAN pointed out that the Secretary-General's note (A/47/434) was incorrectly shown on its cover page as falling under agenda item 97 (a) instead of agenda item 97 (b). Agenda item 97 (a) would be considered separately while agenda items 97 (b) and 97 (c) would be discussed jointly. The official meeting would be followed by an informal meeting to discuss the implementation of human rights instruments.

The meeting rose at 10.50 a.m.